

EXHIBIT A

DECLARATION OF LAURENCE G. TIEN

Laurence G. Tien declares under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. “I am an attorney at the law firm of Bailey Cowan Heckaman PLLC (“BCH”). BCH represents the Plaintiff in the captioned litigation.

2. I have personal knowledge of the facts and circumstances that I describe below, and I submit this declaration in support of the Plaintiff’s Response in Opposition to Defendant’s Sixth Motion to Dismiss for Failure to Comply with Pretrial Order No. 23 and/or Fed. R. Civ. P. 25(a) and 41(b) for Plaintiff.

3. In December 2018, BCH contacted Plaintiff Mark K. Hylas (“Plaintiff”) by First Class Mail for a case update, and BCH’s records do not reflect that such update letter was returned undeliverable.

4. Prior to that letter, BCH worked with Plaintiff to complete the Fact Sheet in April, May, and June of 2017. No deficiency notices were issued by Defendants regarding Plaintiff’s Fact Sheet.

5. Additionally, BCH spoke with Plaintiff in July 2017, generally to inform him of the case status and telling him that BCH would send out a letter or contact him by phone when necessary. Plaintiff was told that his case was one of several hundred or thousand pending in the MDL and, unless his case was selected for bellwether pretrial workup and/or trial, there may not be an update for some time.

6. As with all BCH’s clients, Plaintiff was contractually required to provide the firm with updates and changes in status.

7. On February 5, 2019, BCH received an email from Defendant 3M's counsel, Ms. Vinita Banthia, advising Plaintiff's counsel of Plaintiff's passing on January 15, 2018. The email contained an online obituary link describing Plaintiff's death and identifying his survival heirs.

8. No one at BCH was ever made aware of Ms. Hylas's passing until receipt of the email from Ms. Banthia.

9. Almost immediately after receipt of the email, I made attempts to locate Plaintiff's heirs. I was able to locate Plaintiff's only surviving son, Mark R. Hylas, on February 6, 2019 and who resides in Belen, New Mexico.

10. I spoke to Mr. Mark R. Hylas and advised him BCH had represented his father on behalf of his mother, Maureen Hylas, in a lawsuit against Defendant 3M.

11. Mark R. Hylas indicated on February 6, 2019 that he was not aware of any pending lawsuit against 3M and never had knowledge of any pending lawsuit against Defendant 3M brought by his father, Mark K. Hylas, brought on behalf of his mother, Maureen Hylas.

12. I declare under penalty of perjury that the foregoing is true and correct."

2/28/19
Date

Laurence Tien
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